IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

OP.No. 25337 of 2001(N)

PETITIONER:

M.PADMANABHAN, SR. SUPDT., DY. DIRECTORATE OF EDUCATION, WAYANAD, KALPETTA NORTH.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE SECRETARY TO GOVT., REVENUE DEPT., SECRETARIAT, TRIVANDRUM.

2. GENERAL EDUCATION DEPT., REP. BY ITS SECRETARY, SECRETARIAT, TRIVANDRUM.

3. D.P.I., TRIVANDRUM.

4. COMMISSIONER OF GOVT. EXAMINATIONS, TRIVANDRUM.

5. DY. DIRECTOR OF EDUCATION, WAYANAD.

BY G.P.T.T.MOHAMOOD.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.25337/01.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE CERTIFICATE OF DATE OF BIRTH.

P2. COPY OF THE SERVICE CERTIFICATE OF PETITIONER'S ELDER BROTHER.

P3. COPY OF THE CERTIFIED ISSUED BY REGISTRAR, BIRTHS AND DEATHS.

P4. COPY OF THE CERTIFICATE DTD.29.12.94 BY TALUK PANCHAYAT OFFICER, MANANTHAVADY.

P5 COPY OF THE AFFIDAVITDTD.28.10.95.

P6. COPY OF THE REPRESENTATION DTD.28.10.95.

P7. COPY OF THE ORDER DTD.25.3.96 BY R2.

P8. COPY OF THE SUCCESSION CERTIFICATE DTD.12.6.96.

P9. COPY OF THE CERTIFICATE DTD.3.12.99.

P10. COPY OF THE TITLE DEED DTD.30.11.79.

P11. COPY OF THE REPRESENTATION DTD.10.9.00 BEFORE R1.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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O.P.No.25337 of 2001

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Dated this the 6th day of September, 2007

J U D G M E N T

This original petition is filed by the petitioner seeking a direction to the 1st respondent to permit him to continue in service beyond 31.8.2001 without retiring him on that day on the basis of his date of birth in the service records and to declare that the petitioner is entitled to continue in service as per his actual date of birth, ie. 15.5.1950. The petitioner could not obtain any stay of his retirement on 31.8.2001. The date of superannuation, even as per the date of birth claimed by the petitioner, is also over. The petitioner has not succeeded in getting the date of birth corrected in the service records in accordance with the procedure prescribed for the purpose. In the above circumstances, there is no point in considering this original petition further. Accordingly, the same is closed.

sdk+ S.SIRI JAGAN, JUDGE

S.SIRI JAGAN, J.

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O.P.No.25337 of 2001

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J U D G M E N T

6th September, 2007